

**KING COUNTY
INDEPENDENT TASK FORCE ON ELECTIONS**

**THE TASK FORCE'S
REPORT AND RECOMMENDATIONS
TO THE
KING COUNTY EXECUTIVE**

27 July 2005

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KING COUNTY INDEPENDENT TASK FORCE ON ELECTIONS

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KING COUNTY INDEPENDENT TASK FORCE ON ELECTIONS

THE TASK FORCE’S REPORT AND RECOMMENDATIONS TO THE KING COUNTY EXECUTIVE

A seriously flawed organizational culture prevents King County from making the changes needed to restore public trust and confidence in the County’s elections system. The lack of leadership and accountability undermines the principle that every vote counts, one of the most cherished principles of American democracy.

The loss of public trust and confidence in our elections system is palpable. Many people feel betrayed, outraged and disillusioned. They are no longer certain their votes count. The situation has shaken their faith in voting and in democracy. The people of King County remain uncertain about their elections process and are embarrassed by that fact. In the months following the election, King County’s credibility deteriorated, causing further erosion of public trust both locally and nationally. The public demands accountability from the County Executive, County Council, the leaders of the elections office and its staff. “Get it fixed now!” is a constant refrain. Many argue that restoring public trust and confidence in the County’s election system demands dramatic change to produce a significant, demonstrable increase in King County’s accountability to the public.

The loss of public trust did not happen overnight. In 2002, the first real public crisis in confidence occurred when the County failed to mail thousands of absentee ballots to voters who had registered to vote-by-mail. That public embarrassment led to a change of leadership in the County’s elections office. In 2003, the King County Executive hired an elections professional, who by reputation was skilled in the technical operations of elections, to serve as the Director of the Records, Elections and Licensing Services (REALS) Division. Later another individual with a background in elections policy was hired as Superintendent of Elections.

The leadership team was expected to lead the Elections Section, solve the problems uncovered by the 2002 election, and ensure rigorous compliance with state and county laws, policies and procedures. While the new Elections Section managers made headway in introducing procedural and technological changes in the Elections office, they were unable to improve an entrenched organizational culture. Ultimately, that critical leadership failure left the Elections Section unable to perform well when a number of circumstances converged during the 2004 election.

These circumstances converged in King County last November:

- The election was the closest in Washington’s history, and second closest gubernatorial contest in the nation’s history.

- It was conducted just seven weeks after the primary election in which Washington voters, by Court order, were forced to abandon a popular, seven-decades-old method for selecting the Democrat and Republican candidates for the general election; instead they had to use an unknown system that required voters to select a political party ballot and only vote for primary candidates from that party.
- As King County's officials scrambled to put the new primary election system into place, and educate nearly one million voters about how to use it, they were simultaneously implementing new technology for registering voters and managing elections. This technology was rushed into practice without sufficient time to train the staff responsible for administering it.
- Because of the interest in the presidential election and the races for Governor and United States Senator, King County registered an unprecedented number of new voters, placing a significant new workload on the elections office. While there were only slightly more voters in the actual election, by Election Day there were 40% more new registered voters in King County in 2004 than in 2000.
- More than 600,000 King County voters—greater than sixty percent of those voting—voted by mail, giving King County the second highest number (after Los Angeles County) of vote-by-mail voters in the nation. Because the primary election is the second latest of any state, and falls so close to the general election, there is too little time to prepare adequately for the general election. There is enormous pressure on elections administrators to certify the results of the primary, print the general election ballots, mail them to voters, including thousands of Washington residents who live in other parts of the United States and across the globe (primarily because of military service), receive the completed ballots, and prepare them to be counted for inclusion in the final, certified election tally.
- Two recounts were ordered before the winner of the gubernatorial election could be declared. The Election Day tally and the first recount were conducted by machine. The second was conducted by hand. While the second recount changed the outcome of the race, the shift in the margin between both candidates stayed within 400 votes out of approximately 2.8 million votes counted, and the total difference in the number of votes counted stayed within 0.014%.

Given the convergence of these circumstances, many elections officials across the state and citizens throughout King County believe that problems with the elections system in the aftermath of last year's gubernatorial contest have been blown out of proportion. The Task Force strongly believes they are a minority.

The Task Force believes that public confidence in King County's administration of elections is at an all-time low. To begin the process of restoring public confidence and trust, and to help lay the foundation for King County's elections system to become a model for the nation, the King County Independent Task Force on Elections proposes a set of recommendations to resolve leadership, organizational culture and policy failures. This report presents the Task Force's recommendations.

The Task Force's Mission and Interests

The ten members of the King County Independent Task Force on Elections were appointed by King County Executive Ron Sims in April 2005 to: (1) recommend short- and long-term strategies to improve the County's elections processes; (2) help restore public confidence and trust in the County's elections system; and (3) produce a set of recommendations that could help build a foundation for King County to have a model elections system in the country.

At the Task Force's first meeting in May 2005, the members identified and agreed on nine common interests:

- Restore integrity to the elections process by ensuring that every valid vote counts.
- Restore public trust and confidence in the elections process.
- Provide an independent voice in assessing and recommending changes to King County's elections process.
- Focus on the most important and vital issues to make a meaningful, significant and enduring contribution to election reform in King County and public discourse about it.
- Learn from the experiences and practices of other similar jurisdictions around the state and nation to incorporate best practices into our elections system.
- Ensure a healthy, robust discussion and debate among the Task Force members that produces recommendations that are more creative than any one of us could have developed.
- Conduct an open, transparent process that helps begin healing divisions within the community and restoring the public's faith in the franchise of voting.
- Coordinate with the work of the County Council-appointed audit and the Citizens' Election Oversight Committee (CEOC) and the REALS Division to ensure that all issues, interests, concerns and needs related to our system of elections are addressed.
- Work with King County to ensure that sufficient resources are provided so that the County and its citizens get the kind of election they want and expect.

The Community's Interests

Before developing recommendations, the Task Force conducted extensive fact-finding consisting of interviews of current and former elected officials, current and former employees of King County's elections office, and representatives of business, labor, education, civic organizations and the media; a survey of the employees of King County's elections office (in which more than

70% of the office staff participated); review of documents such as policies, reports, training manuals and depositions; inspections of facilities and equipment; and the deliberations of the Task Force and its committees.

From its fact-finding, the Task Force learned that the standard sought by most people is not a perfect election. Rather, individuals interviewed expect elections in which the results are accurate, elections in which the public believes that the process of voting was easy and fair and the outcomes are reliable. When mistakes are made, as is inevitable with any complex, highly technical process involving human beings, the public expects that mistakes will be detected and corrected, and that those operating the system will be forthright and candid about the mistakes and what is needed to fix them.

Based on its interviews of community leaders and citizens, the Task Force identified five preeminent interests that unite the County's citizens: restore public trust and confidence in the elections process; make the voting process less complicated; provide substantive and perceived fairness to all citizens, including voters, candidates and political parties; promote accurate results in a manner that allows the public to hold King County elected or appointed officials accountable; and ensure that solutions work over the long-term regardless of the person or political party in power.

Because many citizens perceive that these interests are not being achieved, they are no longer certain their votes count, a fact that has shaken their faith in the franchise of voting, the very hallmark of democracy. The political parties, people who identify themselves as members of those parties or independent voters are not well-served by King County's elections system. Many of the people to whom Task Force members spoke said that we owe it to our children and to all future voters to create a system in which they can have faith, and that safeguards the right to vote as well as each person's vote.

The Task Force's Findings and Recommendations

The Task Force's recommendations address the immediate and urgent issues of the failure of leadership and organizational culture. Other recommendations address longer-term public concerns about the accountability for elections and the statutory and policy environment under which Washington State and King County elections officials operate.

LEADERSHIP AND ACCOUNTABILITY RECOMMENDATIONS TO THE KING COUNTY EXECUTIVE

Responsibility and public accountability for the conduct of elections resides with the King County Executive. While the Executive delegates primary responsibility for conducting elections to an appointed Superintendent of Elections who reports to the REALS Director, he and

his leadership team are accountable to the citizens for the performance of the organization.

As the direct result of significant performance and accountability failures in the 2000, 2002 and 2004 elections, the public has lost confidence in the elections process. The Task Force found that these performance failures are symptomatic of long-standing organizational and cultural problems within King County and the Elections Section. The Task Force believes that King County's inconsistent results in correcting these problems represent a failure of leadership and a breakdown in accountability.

The Task Force notes that the Executive sought to improve the Elections Section performance in 2003 by appointing a seasoned elections professional to the position of REALS Director. When hired in late 2003, the Director faced an entrenched organizational culture that did not effectively ensure compliance with election law and policies. In the face of the agency's poor performances in the elections of 2000 and 2002, he ranked rebuilding public credibility over undertaking internal cultural change and engaged in an extensive public engagement to achieve that goal.

Despite the director's efforts, the managerial environment of King County's Elections Section remains seriously flawed. One factor contributing to this situation may be that the director assumed too much responsibility and did not hire leaders with personal and managerial skills necessary to ensure that his vision would be embraced and implemented by staff. It also appears that some middle level managers provided inconsistent supervision across the agency and, in some cases, resistance to the changes the director sought to achieve. Thus, the organization's leaders may not possess the skills and resources required to achieve the healing needed before the organization can focus on improving King County's elections system and restoring public trust and confidence in it.

The Task Force finds that Elections Section staff understands the importance of good faith compliance with elections standards and believe that they should be held accountable for maintaining those standards. In addition, we find that the REALS Director retains the confidence of Elections Section employees who believe he is an ethical leader with strong technical skills. However, specific ongoing areas of concern include:

- An unhealthy organizational culture that does not effectively ensure rigorous compliance with election laws, policies and procedures;
- Poor employee morale;
- Ineffective or poor communications between senior managers and elections staff;
- Ineffective implementation of critical operational controls and quality assurance processes that identify and address inevitable human errors before they undermine the elections process;
- Poor or ineffective employee training and certification programs;
- A leadership structure that may lack the skills and resources to achieve needed organizational healing; and
- A perception within the Elections Section that employees who make errors are subject to harsher discipline than managers who make errors, which was reinforced with the recent reassignment of the Superintendent of Elections.

1. An independent, external turnaround agent is needed to change King County's seriously flawed organizational culture.

Real and significant change in the County's organizational culture requires a fully engaged and focused leadership effort that starts with the King County Executive. The Task Force also found that the leader of the REALS Division cannot alone make the kinds of changes that are critical to restoring public trust and confidence in our elections system. Therefore, the Task Force believes that critical changes can only be accomplished with the assistance of an independent turnaround team accountable to the King County Executive.

The Task Force most urgently recommends that the King County Executive hire an outside organization with expertise in organizational "turnarounds" to lead the transition to a new agency culture, including making critical improvements in the elections system. To be effective, the turnaround team must report directly to the King County Executive and include election administration professionals. Changing King County's organizational culture involves:

- A. Initial assessment:** The Task Force clearly identified deep-rooted and ongoing problems with the Elections Section. In addition, the Council-initiated audit team and the Citizens Elections Oversight Committee (CEOC) are currently conducting extensive elections process assessments. Based on these assessments, the outside turnaround group must take a critical look at current practices and determine how far its own independent assessment will go. The assessment will determine individual and organizational strengths, weaknesses, and opportunities for growth.
- B. Establish accountability:** Authority and responsibility for organizational change is given to the turnaround group, which is directly accountable to the King County Executive. If the assessment team finds recurring or unresolved problems, responsible managers or employees are reassigned or replaced. The team will concurrently identify the qualities and characteristics that are needed in the agency's new leaders, such as the Superintendent of Elections, and outline or conduct the process by which they will be hired.
- C. A "turnaround" plan:** Within ninety days of being hired, the turnaround group must submit to the King County Executive and the Task Force a plan for implementing improvements in the agency's culture and operations and the elections system. The plan should encompass the goals discussed below and "map" specific goals to be achieved by the end of 2006, as well as the actions needed to achieve them. The Task Force will measure progress at its January 2006 meeting. Critical goals include:
 - **Create a new culture.** Produce a three-year plan for cultural change that results in an organization characterized by these values: candor, fairness, trust, customer service, openness, accessibility, accountability, inclusiveness, equity and accuracy. Define measurable results to be achieved at 6, 12, and 18-month intervals; one way to measure progress is through an employee survey. Key components of the cultural change plan include agency-wide training and internal communications plans. Both plans should address the interests and needs of full- and part-time employees, including poll workers.

- Establish a vision for King County Elections. County leadership, including the Executive, must articulate a clear and compelling vision that is aligned with the public's values and interests. That vision must be supported by the County's elected officials and key stakeholders, and serve as the foundation for the agency's cultural change and strategic plans. The overriding goal of this process is to map a strategy that will make King County Elections a model that other counties will want to emulate.
- Develop a strategic business plan. King County should stop making important business decisions regarding operations of the Elections Section without adopting a comprehensive strategic plan. The King County Executive and Council hold primary responsibility for ensuring that all future budget requests related to elections process must be consistent with that plan.
- Adopt improved policies and procedures. In conjunction with the recommendations of the CEOC and the Council-initiated audit, adopt policies and procedures that promote accuracy and accountability within the elections process. Special attention must be focused on mapping business processes and instituting checks and balances to ensure that errors in 2004 related to voter registration processing, ballot processing, reconciliation of absentee ballots received and reconciliation of voter history/crediting records are cured and not repeated. (See Technical Report - Recommendations)

D. Turnaround involves all Elections workers, including temporaries. Once line employees see action taken to resolve leadership issues they will be energized that the system is responding to deep-rooted problems. With the involvement of the bargaining units, the turnaround organization assesses the skills and expertise that are needed in the Elections office, develops job descriptions that reflect those needs, and works with employees to place the right people in the right jobs. Employees are also involved in helping implement the turnaround plan.

STATUTORY AND POLICY RECOMMENDATIONS TO KING COUNTY

In addition to identifying organizational problems within King County, the Task Force found that as a result of performance and accountability failures in the 2000, 2002 and 2004 elections, many citizens have lost confidence and believe that the current structure is unaccountable. Communication between the County and the citizens it serves is broken.

Given the breadth and depth of citizen concerns, the Task Force believes that dramatic change is warranted, including a demonstrable increase in accountability. The Task Force recommends that the King County Executive, County Council the County's citizens pass necessary legislation or implement policy changes to achieve the following:

2. Consider a long-term change in elections governance and accountability.

King County is the only county in Washington that does not place elections administration under the direct supervision of a separately elected official, usually an elected Auditor. In the current administration, the REALS Director has a close working relationship with the Executive's Office and direct access to the County Executive. Nevertheless, as one function within REALS, the Elections Section must compete with other sections within the division for resources. It must also compete for funding against all programs within the Executive Services Department and throughout County government that are funded by the County's general expense fund.

Some groups, including some current or former elected officials, advocate keeping appointed senior elections officials on the basis that appointed officials are more professional, have greater managerial and technical experience of complex elections processes and procedures, and are immediately accountable to the County Executive if significant problems arise. The Task Force believes that an official elected in a non-partisan race with primary responsibility for conducting elections would increase accountability to citizens, be better able to educate and encourage citizens to participate fully in the electoral process, be a more effective advocate for improved technology and resources, and establish an independent elections system.

3. Institute vote-by-mail and regional voting centers in 2006.

The King County elections process basically involves the simultaneous conduct of two dissimilar elections. Increasingly, a majority of King County voters (565,011 or slightly more than 62% in 2004) uses the permanent absentee or vote-by-mail process. Despite this fact, the County also conducts a traditional election involving about 330,000 voters assigned to over 2500 precincts and 540 individual polling places, and the use of hundreds of temporary election workers who must be trained and who work at the polling places for more than thirteen hours on election days. Both elections processes contain independent, complex and often conflicting requirements that have clearly caused significant problems for King County elections officials. Having one means of voting for all citizens is both more efficient and cost effective.

Except for Oregon, which now votes exclusively by mail, no other state that we examined has such a high percentage of residents who vote permanently by mail. Those states that have high numbers of people who permanently vote by mail no longer have a large number of polling places or devote so much money to voting machines and other technology that enables polling places to function. King County devotes millions of dollars to manage and maintain two separate elections systems for every election, an incredibly costly effort that still appears insufficient.

During its 2005 Session, the State Legislature provided county elections administrators with the authority to replace polling places with vote-by-mail elections. Currently, some 27 out of 39 Washington counties will conduct their next elections by mail. Since implementing vote-by-mail for all elections over a decade ago, Oregon has found that voter participation has increased

significantly in local elections, and that the first two presidential elections conducted exclusively by mail produced extraordinary turnouts.

The Task Force notes that vote-by-mail:

- is already prevalent in King County,
- is increasingly favored by voters,
- provides for significant the costs savings, and
- stimulates higher turnout among voters.

Therefore, the Task Force recommends that King County establish all mail balloting beginning in 2006. In addition, the Task Force recommends that because of the high price we pay for neighborhood polling places, including the greater likelihood for errors because of the involvement of hundreds of people, many of whom are volunteers, King County eliminate polling places and establish four to six regional voting centers.

On Election Day the centers would enable voters who did not receive a ballot in the mail or who prefer to vote at a polling place to vote there; voters who had not been able to mail their ballots could drop them off there. The centers would have electronic poll books directly connected to King County's elections databases so that citizens can vote at or register at the regional center. For example, a voter who resides on Mercer Island but works in downtown Seattle could vote at the downtown center. Before Election Day, the centers should be open to register voters, answer voters' questions and help those who did not receive ballots in the mail to obtain them. King County should learn from the experience of Larimer County, Colorado in establishing these regional voting centers and defining the services they can provide to help facilitate voting.

In addition to the regional voting centers, King County should establish drop off boxes throughout communities to make it convenient for last-minute voters to deposit their ballots on Election Day so that they meet the 8 p.m. deadline for receipt of all ballots. U.S. Postal Services offices or neighborhood post boxes may suffice; King County should learn from Oregon, which uses drop off boxes, to determine how to most effectively implement this recommendation.

Finally, two additional elements are needed to make the vote-by-mail system work as effectively as possible: (1) Verification of a voter's signature on her/his ballots is currently required by law. If the elections office cannot match the signature on the ballot with the one on file, it must contact the voter to achieve the verification. This could be another service of the regional voting centers. (2) An effective partnership between King County and the United States Postal Service is mandatory. King County has coordinated and cooperated with the U.S. Postal Service so we have faith the two agencies can again partner to ensure that vote-by-mail works benefits the people of the County.

The Task Force recognizes and acknowledges arguments against this proposal, including perceptions that voting by mail: abandons the neighborhood polling place; constitutes a change that will be resisted by those who steadfastly support voting at the polls; may require a high level of initial funding to implement; is susceptible to some forms of voter fraud and intimidation, and

could lead to a loss of active citizen participation on Election Day through activities such as working at the polls. Nevertheless, the Task Force believes that the benefits of vote-by-mail far outweigh the costs, and that Oregon and Washington have already demonstrated that voter registration safeguards and rigorous signature verification by counties are effective deterrents of fraud. In addition, we note that our detailed proposal includes some positive steps that would reduce the opportunity for fraud in a vote-by-mail election, including structural and cultural changes that would improve accuracy and accountability within King County elections staff.

4. During recounts, place two election observers at or adjacent to counting stations.

During the manual recounting of votes cast in the 2004 gubernatorial election, King County, unlike Washington's other counties, kept election observers approximately twenty feet from the tables or stations at which the ballots were being recounted. The County kept the observers behind an area that was cordoned off against the wishes of the political parties and against the advice of the Office of the Secretary of State. King County did so in the interests of maintaining order in the room and of ensuring an accurate recount that would be viewed as credible by the candidates and the parties.

The Task Force has found that County's action significantly contributed to perceptions that: (1) the procedure was intended to aid the Democratic candidate and the Democratic Party; and (2) the outcome of King County's recount was inaccurate and unfair.

To alleviate these perceptions, the Task Force recommends that King County establish a manual election recount policy under which two election observers may sit at or stand next to the tables at which ballots are being recounted. To maintain control in the room in which ballots are being counted and to ensure an orderly, fair and accurate count of the ballots, King County should impose strict ground rules or protocols for election observers and all others who were in the room. We believe our recommendation will increase the perception of fairness and increase public confidence in the high visibility recount process.

**STATUTORY AND POLICY RECOMMENDATIONS TO THE GOVERNOR
AND STATE LEGISLATURE**

The Task Force finds that despite recent elections reform efforts some federal, state, and county policy mandates still create an external environment that significantly impedes the ability of the King County Elections officials to conduct fair and equitable elections. While the Task Force is charged to address King County's elections process, we firmly believe the following set of statewide statutory and policy changes are required to restore public confidence and trust in the elections process and will help all of Washington State.

The Task Force strongly recommends that the King County Executive and Council allocate resources and champion the following changes in the way our state conducts elections. The King

County Executive and Council should request that the Washington State legislature pass and the Governor approve legislation to:

5. Change the date of the primary election to the first Tuesday of June.

Washington State currently holds the second latest primary election in the nation. The close proximity of our primary and general elections is unfair to elections officials and to military and overseas voters. It puts unfair pressure on elections officials following the primary to print and mail general election absentee ballots in time to guarantee the voters' right to vote, and its unfair to military and overseas voters because they may not receive ballots in a timely manner. If a primary contest is extremely close and requires a recount, there is not enough time to conduct the general election absentee voting process.

Task Force members are aware that legislation moving the primary election to the third Tuesday of August nearly passed the State Legislature during its 2005 session. We considered the costs and benefits of moving the primary election to May, June or August. When we evaluated the proposals against our five criteria, we concluded that moving the primary election to June has more merit than holding it in May or August. Accordingly, we recommend that the State Legislature pass and the Governor approve legislation establishing the first Tuesday of June as the date of Washington's primary election.

We recognize and acknowledge that our recommendation could cause significant campaign fund raising advantages for candidates who are not already elected officials. We suggest the State Legislature find solutions that balance the public's interests in a fair, accurate, and accountable elections and preventing the appearance that lobbyists or special interest groups can improperly influence the legislative process by donating campaign funds during the legislative session. Examples include reducing the dates in which the freeze is in effect, changing the campaign contribution limits for all candidates during the legislative session, imposing limits on certain contributions but allowing others during the legislative session.

6. Reduce from six to four the number of elections held in Washington State during the calendar year.

By law, there are six election dates each calendar year in Washington. In 2005 elections were or will be held in February, March, April, May, September and November. Particularly in winter and spring, the constant stream of elections creates problems for elections administrators who are certifying the results of one election while mailing ballots to voters and performing the myriad of duties to conduct the next. This situation gives them no "breathing room" to ensure each election is conducted accurately and fairly. It also results in almost non-stop campaigning in many communities; a factor that appears to cause "voter burnout" and the perception that campaigning is more important or valued than governing.

Holding fewer elections in the “off-season” provides an important opportunity for local elections officials to conduct training and implement new processes and technology. Accordingly, the Task Force recommends that the State Legislature pass and the Governor sign legislation to reduce the number of elections in Washington from six to four and that they be held in February, April, June and November.

7. Simplify the process of restoring voting rights for former felons.

One of the perceptions that most contributed to a public sentiment that the 2004 gubernatorial election was illegitimate and unfair was a perception that votes cast illegally by ex-felons tilted the outcome of the race. While evidence presented in the Chelan County election contest trial showed that some 1700 former felons voted without having had their civil rights lawfully restored, there was no finding by the court that these votes changed the outcome.

Washington State has one of the nation’s most complex processes for reestablishing the voting rights of ex-felons. Thirty-four states, including neighboring Oregon, Idaho, Utah and many Western states automatically reinstate the civil rights of former felons.

The Task Force believes that simplifying the civil rights restoration process will reduce costs to the state, enhance the fairness of elections, and ultimately increase public confidence in the process. What is not widely known among the public is that most ex-felons leave the state in which they were incarcerated upon their release from prison. Under existing statute former felons who served in prisons outside Washington and have had their civil rights automatically restored upon release may move here and legally vote. Under identical conditions, however, former felons who are Washington residents cannot vote.

Given the wide disparities among the voter restoration laws of the various states, it would be prohibitively costly for our state to determine whether or not each former felon who served in prison outside our state but now resides here is eligible to vote. The alternative of requiring all registered voters to undergo a criminal background check would also be expensive to implement and would raise unacceptable serious civil liberty concerns.

The Task Force recommends that the State Legislature pass and Governor approve legislation that would simplify the process of restoring voting rights for former felons. Specifically, the Task Force recommends that the voting rights of former felons be automatically reinstated upon release from incarceration.

In making this recommendation, the committees acknowledge that some of our fellow citizens may favor never allowing former felons to vote and that many may see the steps involved in Washington’s current system as part of earning the right to reengage in society. We also acknowledge that our recommendation may be viewed as polarizing and partisan because political parties and some politicians will try to calculate who might most benefit in future elections from the automatic restoration of former felons’ voting rights.

8. *Provide that when a recount is necessary, conduct only one and require that it be conducted by hand.*

Following last year's extremely close race for governor, two recounts were conducted. The first machine recount was followed by a manual recount that was funded by a political party; the manual recount reversed the results from prior counts. Because the final outcome of the race changed as a result of the second recount, the Task Force has found lingering public perceptions that: (1) the switch in methods from machine to manual recounting made the outcome more suspect rather than more accurate; (2) political parties pay for an election recount so that the election outcome is more likely to satisfy and benefit the party that paid for it; and (3) the longer it takes to determine the winner of a race, the more likely it is that the final outcome is neither reliable nor credible.

In evaluating costs and benefits of machine or manual recounts the Task Force notes that Washington State is a voter intent state. As such, eliminating the manual recount process could disfranchise a significant amount of voters who cast otherwise valid votes that could not be read by a machine. In response to these perceptions, the Task Force recommends that the State Legislature pass and the Governor approve legislation to change Washington's system for recounting votes following extremely close elections. The Task Force recommends that whenever the margin of difference between two candidates for statewide elected position is less than 1000 votes or less than one-quarter of one percent, only one manual recount should be conducted at public expense. We believe this recommendation meets the all five criteria we have used to evaluate alternatives and recommendations.

9. *Require that state and county elections officials receive all ballots by eight o'clock on election night, except military and out-of state voters.*

The Task Force strongly recommends changing the time by which ballots must be received because it is crucial to establishing a credible vote-by-mail system. A factor in the public perception that the 2004 gubernatorial election was fraudulent was that absentee ballots were "floating around out there" and kept trickling in for days after the election. One recommendation that may reduce this perception is requiring that all in-state ballots be received by 8 p.m. on election night. Ballots postmarked on Election Day from out of state or mailed by military and overseas voters, however, would need to be received by the date of certification. Oregon, the first state to completely implement vote-by-mail, found that this requirement eliminated the public's concern about the security of ballots that arrive after Election Day.

When drafting statutory changes the Task Force believes that the federal voting standard, which requires that each mail ballot be signed and dated by the voter, is sufficient to ensure accuracy and accountability.

The Task Force recommends that the State Legislature pass and the Governor approve legislation requiring that all mail ballots; except out of state, military and oversees ballots, must be received

by eight o'clock on election night. Postmarks or signature verification dates should be used to validate out of state, overseas, and military ballots under federal guidelines.

PUBLIC ENGAGEMENT RECOMMENDATIONS TO THE KING COUNTY EXECUTIVE

The Task Force anchored all its deliberations on the powerful ideal that every vote does indeed count. This ideal is at the heart of America's democracy, and must be restored and sustained for the people of King County and all the citizens of the state.

All the Task Force's recommendations are guided by a commitment to achieving that ideal and upholding the public trust. The Task Force's goal throughout this process was to restore public trust and confidence in King County's elections system. The recommendations presented in this report will help lay the foundation for King County to build a model elections system in the nation.

Some of the recommendations are likely to be controversial. All require change. Therefore, King County must launch a concerted effort to genuinely and creatively involve the public in discussions about these recommendations and in developing strategies to achieve them. The public must include a wide variety of citizens. While it needs to include them, it cannot be limited to representatives of the political parties because a substantial percentage of the voting population does not identify as Republican or Democrat. Nor can it be limited to representatives of special interests with a stake in the conduct of elections because every resident of King County has a vested interest in elections. The Task Force's process was a positive start.

Regional, community and neighborhood conversations about these recommendations should have as a goal helping bring disillusioned ex-voters back into the political process while inspiring new voters, especially young people, to exercise the most precious right that our democracy offers, the right to vote. A higher percentage of politically educated, committed, involved and voting citizens would truly define King County in the nation's awareness as a role model for election reform.

To achieve that goal, the Task Force makes the following recommendations for engaging our fellow citizens in robust and spirited discussions about how to achieve the recommendations included in this report:

10. Committed leadership: King County leadership must be committed to addressing the public's concerns and perceptions about the elections system. The Task Force believes the public will respect and honor candor in acknowledging problems and challenges.

- 11. Proactive leadership:** The King County Executive must take an active role in and be held accountable for fixing the problems that will restore public trust and confidence in the system.
- 12. Broad-based participation in solutions:** The King County Executive must engage a bi-partisan cross-section of citizens to work with the County to achieve election reform.
- 13. Champion elections reform:** The elections director must be committed to these recommendations as the “road map” for elections reform. Like a fire marshal who promotes fire safety through education and motivation, the elections director must be a champion for using these recommendations. Not to “put out the fires,” but to engage King County, the citizens, and key constituents in anticipating and preventing future ones.
- 14. Develop a communication plan:** King County must develop and implement a communications plan that contains, among its elements, clear goals and actions that will improve the elections system. This plan must also define expected outcomes so that all interested parties, including King County, can monitor and evaluate progress in achieving the goals, and strategies for communicating that progress publicly.
- 15. Sustained effort:** Given that some of the Task Force’s recommendations are likely to be controversial, the County must also embark on a broad education effort for citizens, local elected officials, the State Legislature, political parties, and other key stakeholders such as business, labor, education, civic groups and the media.